REMARKS

This responds to the Final Office Action mailed on October 30, 2009.

Claims 27, 35, 38 and 46 are amended, claims 30, 36, 37, 41, 47 and 48 are canceled, and no claims are added; as a result, claims 27-29, 31-35, 38-40 and 42-46 are now pending in this application.

§ 103 Rejection of the Claims

Claims 27-29, 31-34, 49-65 and 69-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin et al. (U.S. Patent No. 6,119,152, hereinafter; "Carlin"), "*Domain Names - Concepts and Facilities*" (RFC 1034, hereinafter; "Domain Names), and Fisher et al. (U.S. Patent No. 5,835,896, hereinafter; "Fisher").

Applicants respectfully submit that the rejection of claims 1-2, 4, 8-13, 15 and 19-23 is defective for the reason that the Final Office Action fails to make a *prime facie* showing of obviousness as is required under 35 U.S.C. § 103.

Applicable Law

The U.S. Supreme Court decision of *KSR v. Teleflex* provides a tripartite test to evaluate obviousness.

> A rationale to support a conclusion that a claim would have been obvious
> is that *all the claimed elements were known in the prior art* and one skilled
> in the art could have combined the elements as claimed by known methods
> with no change in their respective functions, and the combination would
> have yielded nothing more than predictable results to one of ordinary skill
> in the art.[1] (Emphasis added.)

Argument

Applicant believes that the issue of patentablity over Carlin, *Domain Names* and Fisher is best understood with regard to the limitations of claim 1.

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[1] *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007).

Claim 1 includes the following limitations:

a sales server at a network address that operates a plurality of sales interfaces....the sales server is operative to create the impression that the plurality of sales interfaces are being operated by different domains....; and

a central database system adapted to:
store listings of items for sale received from the plurality of sales interfaces,

the listings of items for sale are indexed by the sales server, the listings are offered on at least one of the plurality of sales interfaces...

The Final Office Action identifies Carlin and RFC 1034 as failing to explicitly teach a *"central database system."* The Final Office Action states:

Carlin and RFC 1034 fail to explicitly teach a central database system adapted
to store listings of items for sale, the listings received from the plurality of sales
interfaces, the central database to index the listings, wherein the listings are offered on at
least one of the plurality of sales interfaces....[2]

Instead the Final Office Action relies on Fisher to teach or suggest *"a central database system adapted to: store listings of items for sale received from the plurality of sales interfaces, the listings of items for sale are indexed by the sales server, the listings are offered on at least one of the plurality of sales interfaces...*

Applicants respectfully submit that the rejection of claim 1 is defective for the reason that Carlin teaches away from a combination with Fisher.

Carlin relates a multi-provider on-line system. The multi-provider on-line system may be configured by multiple service providers. Each service provider may offer its own subset of features to its subscribers. Subscribers to a particular service have access only to those features chosen by their service provider, and subscribers to other services in the multi-provider online service do not have access to the particular service's private data. [3]

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[2] Final Office Action, page 4.
[3] Carlin, col. 2, lines 10-38.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE   Page 13
Serial Number:09/441,388   Dkt: 2043.162US1
Filing Date: November 16, 1999
Title: NETWORK-BASED SALES SYSTEM WITH CUSTOMIZABLE USER INTERFACE
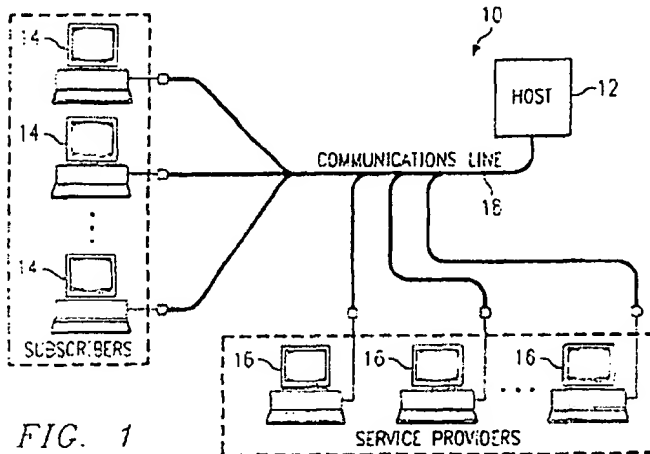

FIG. 1

FIG. 1 illustrates a schematic representation of an on-line service using the multi-provider on-line system of the present invention.[4]

Carlin provides an example:

For example, a first service provider may be offering support for a software package. The software provider could set up a private on-line service which provided for electronic mail, forums in which the subscribers could communicate with the service provider's technical staff and with each other to discuss the application, newsletters to update the subscriber's items of interest relating to the application, a file library from which subscribers can download files relating to the application and an on-line shopping area in which subscribers could order products through the service provider. A second service provider may offer a service to antique car enthusiasts. This service may also provide electronic mail, forums, newsletters, on-line shopping, as described in connection with the first service provider, and further provide a searchable database of articles on antique cars whereby the subscribers to the second service can search the articles for research purposes. While both the software support service and the antique car club service are provided from the host computer 12, the two services do not interact. Subscribers to the first service cannot access the electronic mail, forum messages, newsletters, on-line shopping areas, or searchable database of the second service. Likewise, subscribers to the second service cannot access the electronic mail, forum messages, newsletters, file library or on-line shopping areas of the first service. In other words, while both services offer some of the same features (electronic mail, forums, newsletters, and on-line shopping), the data related to these services is kept separate so that subscribers of one service cannot access data from another service. Consequently, each subscriber sees the on-line service to which he or she subscribes as an independent service provided by the service provider.

The above example relates a first and second service provider. The data related to these services is kept separate so that subscribers of one service cannot access data from another

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[4] Id., Figure 1; col. 3, lines 14-17.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE   Page 14
Serial Number:09/441,388   Dkt: 2043.162US1
Filing Date: November 16, 1999
Title: NETWORK-BASED SALES SYSTEM WITH CUSTOMIZABLE USER INTERFACE

service. Each service provider offers enhanced features on a small scale "while maintaining control over access of its data." [5]

Elsewhere Carlin relates a facility whereby one subscriber may access the private database of another subscriber but only for a fee. [6] Otherwise Carlin emphasizes "each provider being independent of the on-line service from other providers" [7] and "data for each provider's service [being] maintained separately from the data for other providers." [8]

Carlin Summarizes as follows:

> Hence, each service provider can generate a private on-line
> service to be offered to subscribers using the features offered
> by the host 12 and, where appropriate, upload data for access
> solely to its own 45 subscribers. The service provider may
> then offer the private on-line service to a group of
> subscribers of its choosing. This group of subscribers can
> access the features chosen by the service provider and will
> not have access to other features offered by the host
> computer 12 which are not chosen by the so service provider
> or to information provided by other service providers. [9]

Claim 1 recites "*a sales server at a network address that operates a plurality of sales interfaces....the sales server is operative to create the impression that the plurality of sales interfaces are being operated by different domains....*" The Final Office Action alleges that Carlin teaches or suggests these limitations. Claim 1 further recites "*a central database system adapted to: store listings of items for sale received from the plurality of sales interfaces, the listings of items for sale are indexed by the sales server, the listings are offered on at least one of the plurality of sales interfaces...*" The Final Office Action does not rely on Carlin to teach or suggest these limitations but rather looks to Fisher.

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[5] Id., col. 5, lines 26-27.
[6] Id., col. 2, lines 39-40.
[7] Id., Abstract.
[8] Id., Abstract.
[9] Id., col. 4, lines 42-51.

Applicants submit that Carlin teaches away from a combination with Fisher because Carlin discourages the solution provided by Fisher. Specifically, Carlin discourages combination with "*a central database system,* " as recited in claim 1. Carlin discourages combination with "*a central database system*" because Carlin relates that each subscriber controls access to its data and may only provide access to such data for fee. Moreover Carlin relates that access is enabled by uploading the feature from the service provider to the host.

Carlin states:

> The third class of features includes published features 32c. These are features uploaded from another provider who has designated these features as "published." A published feature may be accessed by any provider to include in its definition of features. The "publisher" of the features dictates the fee for access of the published service by subscribers of other providers.[10]

The above quote from Carlin relates access to a snapshot of a database and not the actual database. Moreover, the snapshot is provided by a particular provider who charges a fee. Carlin further discourages a "*central database system*" by emphasizing that in standard operation "data for each provider's service is maintained separately from the data for other providers."[11] Accordingly, Carlin shows no awareness in the art of the problem solved by claim 1. Indeed, Carlin's discouragement of "*a central database system*" *is* evidence that the inventors of the present application were the first to see the problem itself.

Further claim 1 recites "*listings of items for sale*" being stored on the "*central database system*" but "*indexed*" by the "*sales server.*" In contrast, the Final Office Action fails to show where Carlin teaches or suggests any such indexing, Carlin being the reference utilized by the Final Office Action to teach or suggest the limitations pertaining to the "*sales server.*" Indeed, the Final Office Action looks to Fisher for "*indexing*" but Fisher cannot possibly be said to teach or suggest a "*sales server*" as recited in the limitations of claim 1 for the reasons stated above.

Carlin therefore cannot be combined with Fisher because the Final Office Action alleges that Fisher discloses "*a central database system*" and Carlin discourages combination with a

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[10] Id., col. 6, lines 16-22.
[11] Id., Abstract.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE   Page 16
Serial Number:09/441,388   Dkt: 2043.162US1
Filing Date: November 16, 1999
Title: NETWORK-BASED SALES SYSTEM WITH CUSTOMIZABLE USER INTERFACE

"*central database system.*" Further Fisher fails to teach or suggest "*listings of items for sale*" being stored on a "*central database system*" but "*indexed*" by a "*sales server.*" In contrast, Claim 1 recites "*a sales server at a network address that operates a plurality of sales interfaces....the sales server is operative to create the impression that the plurality of sales interfaces are being operated by different domains...*" and "*a central database system adapted to: store listings of items for sale received from the plurality of sales interfaces, the listings of items for sale are indexed by the sales server, the listings are offered on at least one of the plurality of sales interfaces...*"

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of dependent claims 28-29, 31-34, 49-65 and 69-70 under 35 U.S.C. § 103 is also addressed by the above remarks.

The portion of RFC 1040 quoted by the Final Office Action relates to a relationship between a domain and a sub-domain. RFC 1040 fails to teach or suggest "*listings of items for sale*" being stored on a "*central database system*" but "*indexed*" by a "*sales server.*" Accordingly, RFC 1040 cannot supply what is lacking in Fischer.

Claims 35, 38-40 and 42-46

Claims 35, 38-40 and 42-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin, Domain Names, Lowery et al. (U.S. Patent No. 5,894,554, hereinafter "Lowery"), and Fisher.

Lowery relates a web server that intercepts a request and routes the request to one of multiple page servers. Lowery fails to teach or suggest "*listings of items for sale*" being stored on a "*central database system*" but "*indexed*" by a "*sales server.*" Accordingly, Lowery cannot supply what is lacking in Fischer.

Independent claims 35, 38, and 46 include limitations substantially similar to independent claim 1. Accordingly, the above remarks are also applicable to independent claims 35, 38, and 46.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of dependent claims 39-40 and 42-45 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 66-68

Claims 66-68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin, Domain Names, Fisher, and Sadiq et al. (U.S. Patent No. 6,032,153, hereinafter; "Sadiq").

Sadiq relates a method and system for maintaining persistence in shared object system. Sadiq fails to teach or suggest *"listings of items for sale"* being stored on a *"central database system"* but *"indexed"* by a *"sales server."* Accordingly, Sadiq cannot supply what is lacking in Fischer.

Independent claims 35, 38, and 46 include limitations substantially similar to independent claim 1. Accordingly, the above remarks are also applicable to independent claims 35, 38, and 46.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of dependent claims 39-40 and 42-45 under 35 U.S.C. § 103 is also addressed by the above remarks.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE   Page 18
Serial Number:09/441,388   Dkt: 2043.162US1
Filing Date: November 16, 1999
Title: NETWORK-BASED SALES SYSTEM WITH CUSTOMIZABLE USER INTERFACE

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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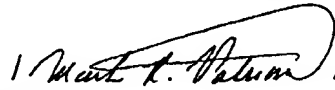Date   12.24.2009   By   /Mark R. Vatuone/

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of December, 2009.

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Name   Signature